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2014 JUL 25 P 5:02  
UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS  
DISTRICT COURT  
DISTRICT OF MASS.

MARK SILVESTRI

CIVIL ACTION  
NUMBER

NO. \_\_\_\_\_

V.

PLYMOUTH COUNTY CORRECTIONAL CENTER, CORRECTIONAL OFFICER JAMES SMITH  
PLYMOUTH COUNTY CORRECTIONAL CENTER, CORRECTIONAL OFFICER PATRICK KELLY  
PLYMOUTH COUNTY CORRECTIONAL CENTER, CORRECTIONAL OFFICER GEORGE KELSCH  
PLYMOUTH COUNTY CORRECTIONAL CENTER, CORRECTIONAL OFFICER JOSEPH BRIGGS  
PLYMOUTH COUNTY CORRECTIONAL CENTER, CAPTIAN MARK HOLMES  
PLYMOUTH COUNTY CORRECTIONAL CENTER, LIEUTENANT KUZIA  
PLYMOUTH COUNTY CORRECTIONAL CENTER, LIEUTENANT DUNCAN SEAMAN  
PLYMOUTH COUNTY CORRECTIONAL CENTER, SUPERINENDENT BRIAN GILLAN  
PLYMOUTH COUNTY CORRECTIONAL CENTER, SHERIFF JOSEPH MCDONALD

COMPLAINT

1. The plaintiff, Mark Silvestri, is a resident of Avon, Massachusetts and a citizen of the United States of America.

2. The Defendant, **CORRECTIONAL OFFICER JAMES SMITH**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
3. The Defendant, **CORRECTIONAL OFFICER PATRICK KELLY**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
4. The Defendant, **CORRECTIONAL OFFICER GEORGE KELSCH**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
5. The Defendant, **CORRECTIONAL OFFICER JOSEPH BRIGGS**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
6. The Defendant, **CAPTIAN MARK HOLMES**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
7. The Defendant, **LIEUTENANT KUZIA**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
8. The Defendant, **LIEUTENANT DUNCAN SEAMAN**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
9. The Defendant, **SUPERINENDENT BRIAN GILLAN**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
10. The Defendant, **SHERIFF JOSEPH MCDONALD**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States.
11. The Defendant, **CORRECTIONAL OFFICER JAMES SMITH**, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. On July 29, 2011, **CORRECTIONAL OFFICER JAMES SMITH**, did brutally and maliciously Assault and Batter the Plaintiff

and did knowingly and intentionally break the Plaintiff's nose. This resulted in disfigurement to the Plaintiff.

12. The Defendant, CORRECTIONAL OFFICER PATRICK KELLY, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. On July 29, 2011 CORRECTIONAL OFFICER PATRICK KELLY did brutally and maliciously Assault and Batter the Plaintiff and did knowingly and intentionally break the Plaintiff's nose. This resulted in disfigurement to the Plaintiff.

13. The Defendant, CORRECTIONAL OFFICER GEORGE KELSCH, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. On July 29, 2011, CORRECTIONAL OFFICER GEORGE KELSCH, did brutally and maliciously Assault and Batter the Plaintiff and did knowingly, intentionally, break the Plaintiff's nose. This resulted in disfigurement to the Plaintiff.

14. The Defendant, CORRECTIONAL OFFICER JOSEPH BRIGGS, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. In July of 2011, CORRECTIONAL OFFICER JOSEPH BRIGGS, did brutally and maliciously Assault and Batter the Plaintiff and did knowingly, intentionally, break the Plaintiff's nose. This resulted in disfigurement to the Plaintiff. Additionally, CORRECTIONAL OFFICER JOSEPH BRIGGS damaged the Maxilla and Zygomatic skeleton of the Plaintiff.

15. The Defendant, CAPTIAN MARK HOLMES, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. On July 29<sup>th</sup> 2011, CAPTIAN MARK HOLMES, did encourage and allow CORRECTIONAL OFFICER JAMES SMITH, CORRECTIONAL OFFICER PATRICK KELLY, and CORRECTIONAL OFFICER GEORGE KELSCH to brutally

and maliciously Assault and Batter the Plaintiff and break the Plaintiff's nose. This resulted in disfigurement to the Plaintiff.

16. The Defendant, LIEUTENANT KUZIA, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. On July 29<sup>th</sup> 2011, LIEUTENANT KUZIA, did encourage and allow CORRECTIONAL OFFICER JAMES SMITH, CORRECTIONAL OFFICER PATRICK KELLY, and CORRECTIONAL OFFICER GEORGE KELSCH to brutally and maliciously Assault and Batter the Plaintiff and to break the Plaintiff's nose. This resulted in disfigurement to the Plaintiff.

17. The Defendant, LIEUTENANT DUNCAN SEAMAN, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. Did harass and threaten the Plaintiff and did conspire with other Correctional Officers against the Plaintiff.

18. The Defendant, SUPERINENDENT BRIAN GILLAN, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. In July of 2011, SUPERINENDENT BRIAN GILLAN, did allow and did not prevent CORRECTIONAL OFFICER JAMES SMITH, CORRECTIONAL OFFICER PATRICK KELLY, and CORRECTIONAL OFFICER GEORGE KELSCH from brutally and maliciously Assaulting and Battering the Plaintiff. This resulted in disfigurement to the Plaintiff.

19. The Defendant, SHERIFF JOSEPH MCDONALD, was employed by the Plymouth County Correctional Facility during July of 2011 and is a citizen of the United States. In July of 2011, SHERIFF JOSEPH MCDONALD, did allow and did not prevent CORRECTIONAL OFFICER JAMES SMITH, CORRECTIONAL OFFICER PATRICK KELLY, and CORRECTIONAL OFFICER GEORGE KELSCH from brutally and maliciously Assaulting and Battering the Plaintiff. This resulted in disfigurement to the Plaintiff.

20. The relief the Plaintiff is seeking is \$1,000,000.00; and that any and all of the Plaintiff's medical expenses be paid by the Defendants, for Rhinoplasty, Septoplasty, and any and all Facial Reconstructive Surgery for the Plaintiff; due to any pain and suffering the Plaintiff has experienced by the defendants.

WHEREFORE, the Plaintiff demands judgment against the defendants for damages and such other relief as this Court deems just.

The plaintiff demands a trial by jury.

Signed By:  \_\_\_\_\_

Mark Silvestri

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